

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

MATTHEW SMITH and)
AKILA RADHAKRISHNAN, *et al.*,)
Plaintiffs,)
)
vs.)
)
DONALD J. TRUMP, *et al.*,)
)
)
Defendant.)

Civil Action Number: 1:25-cv-00158-JAW

**MOTION FOR A STAY OF REPLY
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of Defendants’ deadline to file a reply to Plaintiff’s Memorandum of Law in Opposition to Defendants’ Motion to Dismiss (ECF 36) (“Plaintiff’s Response”) in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal Defendants. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of Defendants’ deadline to file a reply to Plaintiff’s Response until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that the Plaintiffs do not oppose this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the deadline to reply to Plaintiffs' Response in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: October 1, 2025

Respectfully submitted,

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/s/ Ryan Underwood
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